

David A. Jacobs, OSB No. 942202
djacobs@luvaascobb.com
LUVAAS COBB
777 High Street, Suite 300
Eugene, Oregon 97401
Telephone: (541) 484-9292
Telefax: (541) 343-1206

Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

BRUCE DUNN,

Plaintiff,

vs.

DERRICK E. McGAVIC, P.C.,

Defendant.

Case No. 09-3035-PA

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION FOR ATTORNEY
FEES AND COSTS**

Defendant responds to plaintiff's "unopposed" motion to clarify that although defendant will stipulate that the amount of fees and costs sought by plaintiff is reasonable, defendant does not concede that plaintiff should be awarded a judgment for his fees and costs. Defendant intends to appeal the court's original judgment entered on September 1, 2009. Therefore, defendant expressly reserves its right to contest and appeal any resulting

///

///

///

///

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR
ATTORNEY FEES AND COSTS -1

LUVAAS / COBB
ATTORNEYS AT LAW

777 High Street, Suite 300
Post Office Box 10747
Eugene, OR 97440-2747
Phone: 541-484-9292
Fax: 541-343-1206

judgment for attorney fees and costs which the court might enter, for the reason that plaintiff should not be the prevailing party as determined by the original judgment.

DATED this 16th day of September, 2009.

LUVAAS COBB
Attorneys for Defendant

By: /s/ David A. Jacobs
David A. Jacobs, OSB No. 942202
E-mail: djacobs@luvaascobb.com
Trial Attorney